

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2005:

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Present

Vote

James S. Burgett, Chairman  
Walter C. Zaremba, Vice-Chairman  
Sheila S. Noll  
Kenneth L. Bowman  
Thomas G. Shepperd, Jr

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO  
AUTHORIZE A RETAIL CENTER OF MORE THAN 80,000 SQUARE  
FEET OF GROSS FLOOR AREA AT 6500 (PORTION) AND 6690  
MOORETOWN ROAD.

WHEREAS, Tidewater Development Company, LLC has submitted Application No. UP-652-05, which requests a Special Use Permit, pursuant to Section 24.1-466(h) of the York County Zoning Ordinance, to authorize a retail center of more than 80,000 square feet of gross floor area located at 6500 (portion) and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-34 (portion) and 2-19-B3; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has submitted its recommendation concerning this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2005, that Application No. UP-652-05 be, and is hereby, approved to authorize a Special Use Permit to authorize a retail center of more than 80,000 square feet of gross floor area located at 6500 (portion) and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-34 (portion) and 2-19-B3, subject to the following conditions:

1. This use permit shall authorize a retail center of more than 80,000 square feet of gross floor area located at 6500 (portion) and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-34 (portion) and 2-19-B3.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "Williamsburg Marketcenter, Mooretown Road and State Route 199, York County, Virginia, Special Use Permit Conceptual Plan," prepared by VHB, dated November 30, 2004, and received by the Planning Division on January 4, 2005, and building elevation titled "Williamsburg Marketcenter," prepared by Freeman Morgan Architects, received by the Planning Division November 1, 2004.
3. Freestanding identification signage for the retail center (exclusive of outparcels) shall be limited to a single monument sign. Fascia materials used on the sign shall match that of the proposed building façade.
4. Free standing and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval at time of application for site plan approval.
5. The applicant shall be responsible for the construction of a County approved gravity sewer system and associated pumping station to serve the retail center if deemed necessary by the Environmental and Development Services Chief of Utilities.
6. To accomplish screening of the parking lot, a minimum 10-foot wide planting area shall be installed along the northeastern border of the proposed outparcels on the retail center parcel. Plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h), and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular

access/egress easements. Any plantings removed for future access to outparcels shall be replaced or relocated within the remaining areas of these planting beds.

7. Notwithstanding provisions of Section 24.1-376(e)(2) of the County Zoning Ordinance, there shall be no reduction of the 200-foot watershed management and protection stream buffer associated with Queen Creek. Reduction of the normally applicable 200-foot buffer along the tributary stream forming the eastern boundary of the property (and downstream of the stormwater management pond) shall be permitted in accordance with all applicable provisions of Section 24.1-376(e)(2) provided that all runoff from the subject site is directed to this or another properly designed stormwater management facility.
8. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road.
9. The proposed access to the site shown between outparcel #5 and #6 on the conceptual plan referenced above is not approved pursuant to this Special Use Permit. Such access may be approved in conjunction with site plan approval if, satisfactory to the Plan Approving Agent, the Zoning Administrator and the Virginia Department of Transportation, adequate justification is provided establishing a need for the access as a matter of public safety and addressing the criteria set forth in Section 24.1-252(3)(b) of the Zoning Ordinance.
10. The proposed "potential future outparcel" shown at the southern corner of the site is not associated with this application, and approval of this Special Use Permit does not imply current or future approval of the subdivision.
11. The applicant shall make available direct access between the retail center parking lot and future outparcels as may be subdivided in the area labeled "outparcels #4, #5, #6 and #7 on the conceptual plan referenced above. An access/egress easement shall be established parallel to the northeastern border of these outparcels at time of their subdivision approval.
12. A joint access/egress easement as shown on the conceptual plan referenced above between the Home Depot parcel (Assessor's Parcel No. 2-19-B1) and the subject site shall be established at time of site plan approval. Location and design of such easement shall be subject to the approval of the Plan Approving Agent.
13. Any required landscaping installed on the Home Depot parcel removed for redevelopment of the joint access area referenced in Condition #13 above shall be relocated or replaced on the home Depot Parcel in the immediate area of the easement or in such other location determined appropriate by the Plan Approving Agent.
14. At the time of subdivision approval, a restricted access easement satisfactory to the Plan Approving Agent shall be established parallel to Mooretown Road

across the entire frontage of the parcels subject to this Special Use Permit identified as Assessor's Parcel Nos. 2-19-B3 and 2-34 (portion).

15. Calculation of minimum required parking spaces shall be exclusive of spaces utilized for cart storage uses.
16. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
17. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.